

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: August 2014 – O-101

DATE: August 19, 2014

TO: Committee of Bar Examiners

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: **Proposals from John Holtz to Change the Grading Process and Publish Bar Review Course List**

BACKGROUND

According to his website: “The Maximizer Founder and Workshop Director is John B. Holtz. Professor Holtz has been successfully instructing students on bar exam strategies and tactics for over a decade. He was a California Director at Barpassers from 1986 to 1988, and taught essay writing and performance testing in their tutorial program from 1988 to 1996. In academe he taught Legal Analysis at Whittier, and Legal Reasoning & Writing and Advanced Analysis at the University of West Los Angeles, where he also served as Dean of the School of Law from 1995 to 1997. He is a member of the California and Iowa Bar.”

Mr. Holtz has asked to address the Committee regarding two proposals. The Committee Chair has agreed to give him five minutes for his presentation during the Committee’s August 2014 meeting.

DISCUSSION

Mr. Holtz’s proposals are as follows:

“1. Proposal that the Committee review its grading process and explanation of same.

The Committee should examine the latter steps in its grading process to ensure uniform and consistent practices in achieving its goal of fairness to all applicants.

For example, following Phase III of grading the resolution grade is said to “replace the averaged grade for that question.” This is true in making the third set of pass/fail decisions, and is limited to that scoring step alone – according to page 3 the Committee’s current description of the Grading of the California Bar Examination (BXDescrip&Grade0214_R).

In fairness to the affected applicant, if the resolution grade was higher than the Phase I grade should the Committee not also apply the higher resolution grade retroactively to the earlier Phase I pass/fail decision?

On a different note, the Committee does not presently detail its practices regarding the assignment of items/questions for grading. With more information this could be an area for discussion/improvement. But, even if its practices were without challenge, this matter deserves greater transparency.

Finally, the Committee should consider expanding its explanation of the grading process to achieve greater overall transparency and thereby deter, if not quash, a significant undertow of public skepticism regarding the Bar's neutrality in establishing the exam pass rate.

2. Proposal that the Committee re-establish a roster of bar prep programs.

Since the Committee disbanded its long-standing practice of publishing a roster of known bar prep programs to all applicants, successive applicant pools sitting for the California exams have had to rely solely on commercial outlets for such basic information.

This has caused the typical bar applicant to not only waste time in attempting to locate such information on her own, but to pay higher fees to cover the various programs' costs of alternate marketing to reach the applicant, and, most importantly, has resulted in numerous miss-matches between the applicant's needs and the selected program's offerings. Indeed, since the Committee's withdrawal, the pass rate plummeted – never to regain its former height.”

RECOMMENDATION

If the Committee wishes to further consider Mr. Holtz's proposals, a motion should be made to refer them to the appropriate Subcommittees for inclusion on their goals for next year.

PROPOSED MOTION

Pending.